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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Developing a Unified Inter-carrier
Compensation Regime

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)
)
)

CC Docket No. 01-92/

REPLY COMMENTS OF THE RURAL CELLULAR ASSOCIATION

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Reply Comments of the Rural Cellular Association
CC Docket No. 01-92
November 5, 2001

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LIST A B C D E

SUMMARY

RCA commends the Commission for seeking a rational approach to intercarrier compensation issues. The record in this proceeding indicates substantial agreement with the Commission's tentative conclusion that a form of "bill-and-keep" is an appropriate mechanism to govern the relationship between Commercial Mobile Radio Service ("CMRS") providers and incumbent local exchange carriers ("ILECs"). Numerous commenters confirm that the adoption of a bill-and-keep compensation regime for interconnection arrangements between CMRS providers and ILECS would serve the public interest by providing cost savings and administrative simplicity.

These efficiencies would be especially beneficial to small and rural wireless carriers. With their limited financial and administrative resources, small and rural wireless carriers are particularly disadvantaged at the negotiation table, and would greatly benefit from a regulatory approach that helps level the playing field. Smaller carriers simply do not have the administrative resources to engage in lengthy and costly interconnection and arbitration processes. Accordingly, RCA urges the Commission to adopt a bill-and-keep regime to govern the relationship between CMRS providers and ILECs.

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Washington, D.C. **20554**

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| |) | |
| Developing a Unified Intercarrier |) | CC Docket No. 01-92 |
| Compensation Regime |) | |

REPLY COMMENTS OF THE RURAL CELLULAR ASSOCIATION

The Rural Cellular Association (“RCA”),¹ by counsel, hereby submits these reply comments in response to the Commission’s invitation to comment on the feasibility of a bill-and-keep approach for intercarrier compensation.’

RCA commends the Commission for seeking a rational approach to intercarrier compensation issues. The record in this proceeding indicates substantial agreement with the Commission’s tentative conclusion that a form of “bill-and-keep”³ is an appropriate mechanism

¹ RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 135 rural and small metropolitan markets where approximately **14.6** million people reside. RCA was formed in 1993 to address the distinctive issues facing rural wireless service providers.

² ***In the Matter of Developing a Unified Intercarrier Compensation Regime: Notice of Proposed Rulemaking***, CC Docket No. 01-92, FCC 01-132 (rel. Apr. 27, 2001) (“Notice”).

³ For the purposes of the Notice, the Commission defines a “bill-and-keep” arrangement as “a mechanism in which the called party’s carrier is not allowed to recover any of the cost of the called party’s loop or local switch from an interconnecting carrier.” Notice at n. 10.

to govern the relationship between Commercial Mobile Radio Service (“CMRS”) providers and incumbent local exchange carriers (“ILECs”). Numerous commenters demonstrate that the application of a bill-and-keep compensation regime to interconnection arrangements between CMRS providers and ILECs would result in significant cost savings and administrative efficiencies. RCA concurs and accordingly recommends that **the** Commission adopt a bill-and-keep regime to govern the relationship between CMRS providers and ILECs.

I. Commenters Demonstrate that the Commission Should Adopt a Bill-and-Keep Compensation Regime For Interconnection Arrangements Between CMRS Providers and ILECs.

A. Bill-and-Keep Provides Greater Economic Efficiencies Than Current CMRS-LEC Compensation Regime

Several commenters confirm that the current interconnection process and arrangements between CMRS providers and ILECs lead to inefficient interconnection pricing. Under the current regime, ILECs have significantly more bargaining power than the CMRS companies which must interconnect with them to serve their subscribers.⁴ This imbalance of power at the negotiation table leads to costs that could have been avoided, such as overcharges for interconnection fees and refusal by the ILEC to pay amounts that permit the CMRS provider to recover its costs.’

⁴ See, e.g., Comments of Nextel Communications, Inc. filed August 21, 2001 (“Nextel’s Comments”) at 18 (“Nextel’s experience in negotiating interconnection agreements confirms that ILECs still maintain vastly superior bargaining power . . .”).

⁵ Comments of the Cellular Telecommunications and Internet Association filed August 21, 2001 at 17 (“CTIA’s Comments”).

Under a bill-and-keep regime, ILECs would be required to recover the costs of termination and origination from their own end-user customers, rather than seeking termination compensation from the CMRS providers. This would eliminate a major, time-consuming element in current interconnection negotiations, and thus minimize the differences in bargaining power. In addition, uneconomic interconnection costs would be reduced, allowing CMRS providers to pass savings on to consumers.⁶

B. Bill-and-Keep Provides Greater Administrative Efficiencies Than the Current CMRS-LEC Compensation Regime

Under the FCC's rules, state commissions are permitted to use bill-and-keep as an appropriate compensation model for interconnection arrangements only when the traffic exchanged for reciprocal termination is "roughly balanced" and neither party has rebutted the presumption of symmetric rates.⁷ As a result of this policy, CMRS carriers divert enormous resources into participating in ILEC-by-ILEC, state-by-state interconnection approval and

⁶ See Comments of Triton PCS License Company, LLC filed August 21, 2001 at 2 ("Adopting a bill-and-keep regime for CMRS-LEC reciprocal compensation would be a significant step towards leveling the playing field between LECs and CMRS providers").

⁷ See *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996: First Report and Order*, 11 FCC Rcd 15499, 16054-58 (1996), *aff'd in part and vacated in part sub nom. Competitive Telecommunications Ass'n v. FCC*, 117 F.3d 1068 (8th Cir. 1997) and *Iowa Utilities Board v. FCC*, 120 F.3d 753 (8th Cir. 1997), *aff'd in part and remanded, AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999); 47 U.S.C. § 252(d)(2)(B).

arbitration processes that could be avoided.* Further, the implementation of the current reciprocal compensation mechanism has required both interconnecting carriers to devote staff resources to the review, monitoring and billing for the exchange of traffic.⁹

If the Commission were to adopt a bill-and-keep compensation regime, these administrative burdens would be eliminated and resources could be freed to devote competitive services.¹⁰ The resulting savings would benefit consumers in the form of improved service and lower prices.

II. RCA Recommends that the Commission Adopt Bill-and-Keep For Interconnection Arrangements Between Wireless Companies and ILECS.

As demonstrated above, the adoption of a bill-and-keep compensation regime for interconnection arrangements between CMRS providers and ILECS would serve the public interest by providing cost savings and administrative simplicity. These efficiencies would be especially beneficial to small and rural wireless carriers. With their limited financial and administrative resources, small and rural wireless carriers are particularly disadvantaged at the negotiation table, and would greatly benefit from a regulatory approach that helps level the playing field. Smaller carriers simply do not have the administrative resources to engage in

⁸ See, e.g., Nextel's Comments at 19 (Nextel demonstrates that under current FCC rules, CMRS providers must endure the "time, expense and uncertainty of a state commission cost review process to rebut the application of symmetrical rates based on ILEC costs").

⁹ See Nextel's Comments at 20; CTIA's Comments at 28 (enumerating various administrative costs associated with the current regime).

¹⁰ See CTIA's Comments at 22 ("Bill-and-keep is by far the most administratively simple method, removing the need to engage in lengthy and costly proceedings to derive regulated prices").

lengthy and costly interconnection and arbitration processes. Accordingly, RCA urges the Commission to adopt a bill-and-keep regime to govern the relationship between CMRS providers and ILECs.

Respectfully submitted,

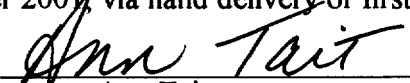
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